

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28106 of 2022**

Arising Out of PS. Case No.-174 Year-2021 Thana- HASANPUR District- Samastipur

SAURABH KUMAR Son of Shiv Balak Yadav Resident of Village - Garhi
Bishanpur, P.S.- Hasanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 05-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Hasanpur P.S. Case No. 174 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act.

As per prosecution case, there is alleged recovery
of 888.555 litres foreign liquor from the Hyva in question. It is
alleged that petitioner and others brought liquor from Jharkhand
by hiding it in the stone chips.

Learned counsel for the petitioner submits that
petitioner is in custody since 14.02.2022 and bears criminal



antecedent of two cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is neither owner nor the driver of the said vehicle. It is further submitted that nothing recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Special Excise Court I, Samastipur in connection with Hasanpur P.S. Case No. 174 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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